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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,278	07/31/2003	Amy E. Battles	200206044-1	3756

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FORT COLLINS, CO 80527-2400

EXAMINER

CHEN, WEN YING PATTY

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/631,278	<b>Applicant(s)</b> BATTLES, AMY E.	
	<b>Examiner</b> W. Patty Chen	<b>Art Unit</b> 2871	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 19, 21, 23-27, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 19, 21 and 23 is/are allowed.
- 6) ☒ Claim(s) 24-27 is/are rejected.
- 7) ☒ Claim(s) 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's Amendment filed Jun. 5, 2006 has been entered. Claims 13, 14 and 22 are cancelled and claims 30 and 31 are newly added per the Amendment filed. Therefore, claims 1-5, 19, 21, 23-27 and 30-31 are now pending in the current application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Haneda et al. (US 5900848).

With respect to claim 24 (Amended): Haneda et al. disclose in Figures 3-5 a device comprising:

- a display enclosure (element 2) having slots (element 2a);
- a display (element 4) mounted to the display enclosure, the display having a front and a back, the front being operative to display images (as shown);
- a shield (element 1) operative to shield the front of the display from incident light (as shown in Figure 4, when in the closed position, the display is shielded from incident light); and

first and second extensions (element 9) spaced from each other and extending from the shield, each of the first and second extensions having a pin (Figures 7 and 8, elements 14 and 15) at a distal end thereof, each of the pin engaging within a corresponding one of the slots such that each pin is slideable within the corresponding one of the slots and rotatable such that the shield is movable between a first position (as shown in Figure 4) to block incident light from reaching the front of the display and a second position (as shown in Figure 5) adjacent the back of the display;

wherein the shield in the first position (as shown in Figure 4) is oriented in front of the display enclosure in a position that is substantially adjacent to and substantially parallel to a first surface of the display enclosure wherein the display resides such that the shield covers an exposed area of the display.

As to claim 25: Haneda et al. further disclose in Figure 8(d) that the first and second extensions (element 9) extend perpendicularly from a plane of the display (element 4).

As to claim 26: Haneda et al. further disclose in Figure 3 that the first and second extensions (element 9) are parallel.

As to claim 27: Haneda et al. further disclose in Figure 3 that the slots (element 2a) comprise a first slot and a second slot, the first slot and the second slot being located on opposing portions of the display enclosure (element 2).

### ***Allowable Subject Matter***

Claims 1-5, 19, 21 and 23 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

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Regarding claim 1 (Amended): None of the prior arts either alone or in combination fairly teach or suggest that the shield unit may be selectively oriented in at least a first position covering the display, a second position shading the display from incident light, and a third position retracted behind the display, wherein when in the first position the display shield is oriented in front of the display enclosure in a position that is substantially adjacent to and substantially parallel to a first surface of the display enclosure, wherein the display resides such that the shield unit covers an exposed area of the display.

Therefore, claim 1 is deemed non-obvious and inventive over the prior arts, thus is allowed.

As to claims 2-5, 19, 21 and 23: Since claims 2-5, 19, 21 and 23 depend either directly or indirectly on the allowed claim 1, therefore are also allowed.

Claims 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 30 (New): None of the prior arts either alone or in combination fairly teach or suggest that the device further comprising of an auxiliary shade screen coupled to the shield and made adjustable by an adjustable coupler. Therefore, claim 30 is deemed non-obvious and inventive over the prior arts, thus is allowable.

Regarding claim 31 (New): None of the prior arts either alone or in combination fairly teach or suggest an image capturing device comprising of the limitations as set forth in claim 24, therefore, claim 31 is deemed non-obvious and inventive over the prior arts, thus is allowable.

***Response to Arguments***

Applicant's arguments with respect to claim 24 have been considered but are moot in view of the new ground(s) of rejection.

***Relevant Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee (US 6480374), Barlett et al. (US 5337212) and Yong et al. (US 7083291).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Patty Chen whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W. Patty Chen  
Examiner  
Art Unit 2871

WPC  
8/09/06



T. NGUYEN  
EXAMINER